

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2000-556

July 17, 2000

PUBLIC UTILITIES COMMISSION  
Amendments to Chapter 560  
Public Notice Required for Rate Changes  
Filed by Casco Bay Island Transit District

NOTICE OF RULEMAKING

---

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

---

**I. SUMMARY**

Through this Notice, we initiate a rulemaking to amend Chapter 560.<sup>1</sup> Our proposed amendment clarifies the public notice requirement for rate changes filed by the Casco Bay Island Transit District (CBITD). We repeal the language of the current rule and replace it with the proposed language in an updated format, consistent with Commission Rules.

**II. BACKGROUND**

Section 12 of the law creating the Casco Bay Island Transit District (P. & S.L. 1981, c. 22) requires the Commission to prescribe the notice necessary before the district can change its rates and tolls. Currently, Chapter 560 of our Rules requires that notice of any changes to CBITD's rates and tolls be published twice in a newspaper of general circulation in the area served by CBITD at least 30 days in advance of the effective date of the changes. It also requires that additional notice be given by posting the changes in a conspicuous place at CBITD's terminals and on each of its vessels.

On April 6, 2000, CBITD filed revised rate schedules with the Commission. The filing did not indicate that CBITD had complied with Chapter 560's publication requirements. The Commission requested that CBITD supplement its filing with the necessary proof of publication.

On April 14, 2000, CBITD filed supplemental information showing that the proposed rates changes were published in CBITD's newsletter, the Bayliner, and that numerous public meetings relating to the rate changes were held, all of which were noticed by postings in CBITD's terminal, on its boats, and on the islands. CBITD noted, however, that it was unsure whether publication in the Bayliner satisfied Chapter 560. It therefore requested that if the Commission found publication in the Bayliner did not satisfy Chapter 560, the Commission

---

<sup>1</sup> Chapter 56 is now being updated to Chapter 560, consistent with all Commission Rules.

grant a waiver for this year because of the extensive publication of the changes already provided and the need to get the rates in effect before the busy season started.

On May 16, 2000, the Commission found that publication in the Bayliner did not satisfy the notice requirement of Chapter 560 and ordered all future notices be published in the Portland Press Herald. Our proposed amendment to the Rule clarifies the notice requirement pursuant to the Order in Docket No. 2000-408.

### **III. DISCUSSION OF PROPOSED AMENDMENTS**

#### Section 1: Purpose and Scope

The current rule does not contain an explanation of the purpose and scope of Chapter 560. The Proposed Rule provides this paragraph as background for the notice requirement imposed on CBITD if it changes its rates for ferry service between the mainland of Cumberland County and Peaks Island, Great Diamond Island, Little Diamond Island, Long Island, Chebeague Island, or Cliff Island, or between these islands.

#### Section 2: Public Notification

This section is very similar to the main body of text in the current rule which requires CBITD to notify the public 30 days in advance of any changes to rates and tolls. However, section 2(1) specifies that the notice be published at least twice in the Portland Press Herald or a similar newspaper of daily circulation distributed in Cumberland County. Section 2(2) requires that notice also be posted in a conspicuous location at the mainland ferry terminal, all island ferry terminals, and on each vessel used by CBITD.

#### Section 3: Waiver

This section is very similar to the waiver provision of the current rule which allows any person subject to this Rule to request the Commission to waive the requirements of this Rule for good cause shown.

### **IV. RULEMAKING PROCEDURES**

This rulemaking will be conducted according to the procedures set forth in 5 M.R.S.A. §§ 8051-8058. Written comments on the Proposed Rule may be filed with the Administrative Director no later than August 25, 2000. Please refer to the docket number of this proceeding (Docket No. 2000-556) when submitting comments.

No public hearing on this matter is presently scheduled, but one will be held if requested by any five interested persons. Persons wishing to request a public hearing on this rule must notify the Administrative Director, Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018, on or before August 7, 2000.

## **V. FISCAL AND ECONOMIC EFFECTS**

In accordance with 5 M.R.S.A. § 8057-A(1), the Commission expects the fiscal impact of this Rule to be minimal. However, we invite all interested parties to comment on the fiscal impact and all other implications of this Proposed Rule.

## **VI. SERVICE**

The Administrative Director shall send copies of this Order and the attached Rule to:

1. Casco Bay Island Transit District;
2. All certified water carriers, including water taxis, and all parties to Docket No. 98-161.
3. All persons who have filed a written request with the Commission within the last year for Notice of Rulemaking;
4. All persons who have filed for permanent or seasonal Certificates of Public Convenience and Necessity for ferry services in Casco Bay;
5. The Secretary of State for publication in accordance with 5 M.R.S.A. § 8053(5); and
6. Executive Director of the Legislative Council, State House Station 115, Augusta, Maine 04333 (20 copies).

Accordingly, we

### **ORDER**

1. That the Administrative Director send copies of this Order and the attached Proposed Rule to all the persons listed above and compile a service list of all such persons and any persons submitting written comments on the Proposed Rule;

2. That the Administrative Director send a copy of this Order to the Secretary of State for publication in accordance with 5 M.R.S.A. § 8053; and
3. That this Order will also be posted on the Commission's web site at [www.state.me.us/mpuc](http://www.state.me.us/mpuc).

Dated at Augusta, Maine, this 17th day of July, 2000.

BY ORDER OF THE COMMISSION

Raymond J. Robichaud  
Acting Administrative Director

COMMISSIONERS VOTING FOR: Welch  
Nugent  
Diamond